

REMARKS

This amendment is offered in response to the Office Action of September 4, 2007. The Office Action rejected Claims 1, 4-5, 9, 11, 13, 16, and 17 under 35 U.S.C. §102(e) as being anticipated by Anderson et al. (U.S. PG PUB No. 20020196250). Claim 2-3, 6-8, 10, 12, and 14-15 are rejected under 35 U.S.C. §103(a) as being obvious over Anderson.

In response to the Office Action, Applicants provide the following comments and statements to clarify the present invention to show that the claims are not anticipated or obvious over Anderson. Further, applicants have added three new dependent claims. The support for claim 18 is found on Page 13, lines 30-31 of the specification. The support for claim 19 is found on Page 13, line 30 through Page 14, line 1 and Page 28, lines 3-6 of the specification. Further, the support for claim 20 is found also found on Page 13, line 30 through Page 14, line 1 and Page 28, lines 3-6, and additionally on Page 37, line 23 through Page 38, line 17 of the specification. No new matter is being added.

35 U.S.C. §102(e) rejection of Claims 1, 4-5, 9, 11, 13, 16, and 17 over Anderson

In response to the rejection of Claims 1, 4-5, 9, 11, 13, 16, and 17 under 35 U.S.C. §102(e) over Anderson, Applicant respectfully submits that the Anderson fails to disclose a key feature of the present invention, and therefore the invention is not anticipated by Anderson.

More specifically, Anderson discloses that the memory device 408 senses connection of other construction elements 402 to the connectors of the construction elements. The connection information mentioned in Anderson only refers to the information concerning whether a connection is established and which connectors are used to make the connection. On the other hand, the present invention as claimed in the independent claim 1, each connection elements are associated with one of a plurality of predetermined connection types and the method comprises

retrieving connectivity information of the corresponding connection types. Anderson fails to disclose, teach, or suggest that the information concerns different types or plurality of connections or of connectivity information of such types of connections. *See* paragraphs 37, lines 14-20 and paragraph 21 of Anderson.

Further, in paragraph 26 of Anderson, a possibility of storing attributes of construction elements and provides the number of connectors as an example of such attributes. Anderson fails to disclose, teach, or suggest that connection type of the individual connectors may store such information. In other words, Anderson is associated to the actual connectors and not to the connection type.

35 U.S.C. §103(a) rejection of Claims 2-3, 6-8, 10, 11, 12, and 14-15 over Anderson

In response to the rejection of Claims 2-3, 6-8, 10, 11, 12, and 14-15 under 35 U.S.C. §103(a) over Anderson, Applicant respectfully submits that the claims are not made obvious by Anderson.

As explained above in the paragraphs concerning claim 1, Anderson is associated to the actual connectors and to the connection type. The only connection information stored in Anderson is information concerning a) whether a connection is established, and b) what types of connectors are used in the connections. Just because Anderson stores these data, does not make it obvious for one skilled in the art to then also store additional data concerning the types of connection elements and connectivity information of pairs of connection types.

The information in Anderson is limited to whether a connection is established and which connectors are used in the connection. The leap between the amount and type of information involved between our present information and Anderson is too large of a leap to make for a one

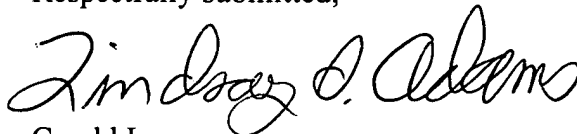
skilled in the art without any teachings, suggestions, or motivation. Our review of Anderson does not provide any teachings, suggestions, or motivation for one to take this leap.

Further, in determining *prima facie* obviousness of an invention over a prior art, a level of ordinary skill in the art must be first determined. The Office Action first fails to determine the level of ordinary skill in the art as required. The Office Action then further fails to explain why the differences between the prior art and the present invention would have been obvious to one of ordinary skill in the art. See MPEP §2141. The determination of the level of ordinary skill in the art is one of the factual inquiries under *Graham*, which must be first resolved in determining *prima facie* case of obviousness. See MPEP §2141 and §2143. The Office Action fails to do so, therefore it fails to establish a *prima facie* case of obviousness.

It is respectfully submitted that all of the presently pending claims are in immediate condition for allowance. The Examiner is respectfully requested to withdraw the rejections of the claims, to allow the claims, and to pass this application to early issue.

Applicants do not believe any other fees are due. However, if any additional fees are due, please charge such sums to our Deposit Account: 50-1145.

Respectfully submitted,



Gerald Levy
Registration No. 24,419

Lindsay S. Adams
Reg. No. 36,425

Attorneys for Applicants

Day Pitney LLP
7 Times Square
New York, New York 10036-7311
212-297-5800